



Docket No. 74508XNAB

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF PATENT APPEALS AND INTERFERENCES**

In re Patent Application of:

David KESSLER et al.

Serial No. 08/770,381

Filed: October 25, 1999

For: ANTI-ALIASING LOW-PASS
BLUR FILTER FOR REDUCING
ARTIFACTS IN IMAGING
APPARATUS

) Group Art Unit: 2612

)

) Examiner: J. Wilson

)

) Date: July 2, 2004

)

)

)

)

RECEIVED

JUL 16 2004

Technology Center 2600

CERTIFICATE OF MAILING OR TRANSMISSION

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450, or being facsimile transmitted to the USPTO at (703) 872-9306, on July 8, 2004.

Tara M. Piccone
Tara M. Piccone

**SUPPLEMENTAL DECLARATION OF PRIOR INVENTION IN THE
UNITED STATES OR IN A NAFTA OR WTO MEMBER COUNTRY TO
OVERCOME CITED PATENT OR PUBLICATION (37 C.F.R. §1.131)**

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

1. This supplemental declaration is to establish completion of the invention in this application in the United States, at a date prior to February 7, 1996, the date of Fukushima, U.S. Patent No. 5,579,420, and January 29, 1996, the date of Fukushima, U.S. Patent No. 5,646,399, which were cited by the Examiner as prior art. More specifically, this declaration is in response to the Office Action mailed April 8, 2004, in which the Examiner decided that the declaration filed on November 24, 2003 under 37 C.F.R. 1.131 was ineffective to overcome the Fukushima references because the

Docket No. 74508XNAB
Serial No. 08/770,381
Page 2

evidence submitted therein was insufficient to establish diligence between the dates of February 7, 1995 to May 14, 1996 and August 26, 1996 to December 3, 1996.

2. This declaration is made by the joint inventors.

3. To establish diligence between the dates of February 7, 1996 to May 14, 1996 and August 26, 1996 to December 3, 1996, the following attached Exhibits A-I are submitted as additional evidence:

Exhibit A, which is dated April 2, 1996 and labeled as "LN Virgo Sample BA Scratch & Dig Test", is a test result of a lithium niobate piece scratch-and-dig test. As shown by the labeling, the test sample is from Virgo, and the "LN" abbreviation stands for lithium niobate. This test result shows that a sample of lithium niobate can be cut at the right angle and the right thickness to achieve the effects of the invention.

Exhibit B, dated April 8, 1996, is a memo from Dave Kessler discussing the sample from Virgo and commenting on lithium technologies.

Exhibit C, dated May 14, 1996, is a price quotation on lithium niobate from Crystal Technology, Inc. This document was submitted to the Examiner in the Declaration dated November 20, 2003. However, Applicants are resubmitting Exhibit C to show the continuity of activity following Exhibit B.

Exhibit D, dated August 30, 1996, is a technical paper by James E. Adams, Jr. discussing "optimum MTF of a digital camera anti-aliasing (or blur) filter."

Exhibit E, dated October 3, 1996, is a memo from David Kessler that discusses blur filters, more specifically, lithium niobate filters.

Exhibit F, dated August 22, 1995, is a facsimile showing that the test results on April 2, 1995 samples tested were from Virgo Optics.

Exhibit G, dated May 17, 1996, is a quotation from V-A Optical Labs on lithium niobate plates.

Exhibit H, dated June 25, 1996, is a memo from Eastman Kodak Company

Docket No. 74508XNAB

Serial No. 08/770,381

Page 3

discussing lithium niobate wafers.

Exhibit I, dated July 1, 1996, is a price quotation from Crystal Technology, Inc. on lithium niobate samples.

Exhibits A, B, C, D and E provide support for diligence between the above-mentioned date ranges of February 7, 1996 to May 14, 1996 and August 26, 1996 to December 3, 1996. Exhibits F, G, H and I, which do not fall within the date range are included to show other activities showing diligence leading to Applicants' filing date of December 3, 1996.

5. This Declaration is submitted as part of a response to the Office Action mailed April 8, 2004.

DECLARATION

6. As a person signing below:

I/We hereby declare that all statements made herein of my/our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statement may jeopardize the validity of the application or any patent issued thereon.

SIGNATURE

Inventor

Full name of first inventor David Kessler

Inventor's signature David Kessler

Date 7/6/2004 Country of Citizenship USA

Residence 20 N. COUNTRY CLUB DR., ROCHESTER NY 14618

Post Office Box _____

Docket No. 74508XNAB

Serial No. 08/770,381

Page 4

Inventor

Full name of second inventor Russell J. PalumInventor's signature Russell J. PalDate 7-6-04 Country of Citizenship USAResidence 306 PELHAM ROADPost Office Box ROCHESTER, NY 14610

Inventor

Full name of third inventor Alan C. G. NuttInventor's signature Alan C. G. NuttDate 03/07/04 Country of Citizenship BRITAINResidence 47 KETTILSTOWN MAWSPost Office Box LINLITHGOW SCOTLANDEH49 6SH